



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0015

Introduced 2/10/2009, by Sen. Rickey R. Hendon

SYNOPSIS AS INTRODUCED:

ILCON Art. III, Sec. 7 new

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for elections to recall State executive branch officers, members of the General Assembly, and elected officers of units of local government, if the annual compensation of the office exceeds \$21,000. Provides for successor elections to fill the vacant term of a recalled officer or member. Provides for petitions to be filed with the State Board of Elections and sets requirements for petitions. Provides for the State Board of Elections to proclaim the election and set the date. Provides for objections to petitions. Provides that the recall provisions are self-executing and judicially enforceable. Effective upon being declared adopted.

LRB096 09040 JAM 19179 e

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
5 CONCURRING HEREIN, that there shall be submitted to the
6 electors of the State for adoption or rejection at the general
7 election next occurring at least 6 months after the adoption of
8 this resolution a proposition to add Section 7 to Article III
9 of the Illinois Constitution as follows:

10 ARTICLE III
11 SUFFRAGE AND ELECTIONS

12 (IILCON Art. III, Sec. 7 new)

13 SECTION 7. RECALL OF PUBLIC OFFICERS

14 (a) Electors may petition for the recall of an executive
15 branch officer as identified in Section 1 of Article V, a
16 member of the General Assembly, or an elected officer of a unit
17 of local government, if the annual compensation for that office
18 exceeds \$21,000. If the recall petition is valid, on a separate
19 ballot the question "Shall (name of person) be recalled from
20 the office of (office)" must be submitted to the electors,
21 along with the names of any candidates certified for the
22 successor election, at a special election called by the State
23 Board of Elections or at a regularly scheduled election to

1 occur not more than 100 days after the date of certification of
2 the recall petition. The officer or member subject to recall
3 may be a candidate in the successor election.

4 (b) An executive branch officer, a member of the General
5 Assembly, or an elected officer of a unit of local government
6 is immediately removed upon certification of the recall
7 election results if a majority of the electors voting on the
8 question vote to recall the officer or member. If an officer or
9 member is recalled, the candidate who receives the highest
10 number of votes in the successor election is elected successor
11 for the balance of the term. Once a recall election petition is
12 certified, the petition may not be withdrawn and another recall
13 petition may not be initiated against that officer or member
14 during the remainder of his or her current term of office.

15 (c) Any elector of the State, the applicable Legislative or
16 Representative District, or the unit of local government may
17 file an affidavit with the State Board of Elections providing
18 notice of intent to circulate a petition to recall an officer
19 or member no sooner than 6 months after the beginning of the
20 officer's or member's current term of office. An affidavit must
21 be filed by an elector of the Legislative or Representative
22 District or unit of local government for which the recall
23 petition will be circulated. The affidavit must identify the
24 name of the officer or member and the office to be recalled,
25 the name and address of the proponents of the recall petition,
26 and the date of filing with the State Board of Elections. A

1 recall petition shall not be circulated prior to filing the
2 affidavit, and a recall petition must be filed with the State
3 Board of Elections no later than 160 days after filing the
4 affidavit.

5 (d) A petition to recall must be signed by registered
6 voters of the State, Legislative or Representative District, or
7 unit of local government the officer or member represents, in a
8 number equal to at least twice the number of signatures
9 required for a nominating petition for that office. A petition
10 to recall an executive branch officer must include signatures
11 of electors of the State from at least 5 separate counties. A
12 petition to recall a Governor or Lieutenant Governor elected
13 jointly under Section 4 of Article V must include both
14 officers. The form, circulation, and manner of filing a recall
15 petition shall comply with the requirements provided by law for
16 a statewide advisory public question, except the deadlines set
17 forth in this Section.

18 (e) A recall petition is valid unless an objection is made
19 within 45 days after the date the petition is filed, and an
20 objection to the recall petition may be made in the same manner
21 as to a candidate for the office subject to recall. The State
22 Board of Elections shall certify the recall petition not more
23 than 105 days after the date the recall petition is filed. Any
24 recall petition or election pending on the date of the next
25 general election at which a candidate for the office subject to
26 recall is elected is moot.

1 (f) If a recall election is initiated, the name of no
2 successor candidate may appear on the ballot unless a
3 nominating petition has been filed with the State Board of
4 Elections no more than 40 days after filing of the recall
5 petition. The nominating petition of an established party
6 candidate must contain the same number of signatures and be
7 circulated in the same manner as an established party candidate
8 for nomination to the office subject to recall, except the
9 petition must be circulated no more than 40 days prior to the
10 last day for filing nomination petitions. The nominating
11 petition of an independent or new party candidate must contain
12 the same number of signatures and be circulated in the same
13 manner as an independent or new party candidate, respectively,
14 for election to the office subject to recall, except the
15 petition must be circulated no more than 40 days prior to the
16 last day for filing nomination petitions. A nominating petition
17 may be objected to in the same manner as a candidate for the
18 office subject to recall, unless otherwise provided by law. The
19 State Board of Elections shall certify a valid nominating
20 petition not more than 105 days after the date the recall
21 petition is filed.

22 (g) An election to determine whether to recall an executive
23 officer, a member of the General Assembly, or an officer of a
24 unit of local government and to elect a successor shall be
25 proclaimed by the State Board of Elections and held not less
26 than 60 days and no more than 100 days after the date of

1 certification of the recall petition.

2 (h) The provisions of this Section are self-executing and
3 judicially enforceable.

4 SCHEDULE

5 The State Board of Elections shall proceed, as soon as all
6 the returns are received but no later than 31 days after the
7 election, to canvass the votes given for and against this
8 Constitutional Amendment, as shown by the abstracts of votes
9 cast. If this Constitutional Amendment is approved by either
10 three-fifths of those voting on the question or a majority of
11 those voting in the election, then the State Board of Elections
12 shall declare the adoption of this Constitutional Amendment and
13 it shall, upon declaration of its adoption, take effect and
14 become a part of the Constitution of this State. This Schedule
15 supersedes and applies notwithstanding any statute to the
16 contrary, and no other requirements, including without
17 limitation proclamation of the results of the vote or notice by
18 publication, are necessary for its effectiveness.